

## **IN THE CLAIMS**

Claims 1 through 20 (cancelled)

Claim 21 (previously presented): An improved clip for radiographic analysis, the clip characterized by:

a first portion that is straight, arcuate or a combination thereof; and  
at least one additional second portion that is straight, arcuate or a combination thereof, and which is connected to the first portion at a first apex coplanar with the first and second portion,

wherein the first and second portions are adapted to permit the clip to compress to fit within a tube of a delivery device and to elastically deform upon exiting the tube for engaging tissue, and

wherein the clip unfolds upon itself about the first apex by rotating greater than 90° relative to an opposing portion, so that the first and second portions are adapted to engage tissue thereby substantially preventing migration and does not form a spiral configuration.

Claim 22 (previously presented): The clip of claim 21, wherein one or both of the first or second portion rotating greater than 45° about the first apex at both ends of the first or second portion, so that both ends of the first and second portions are adapted to attach to the tissue thereby substantially preventing migration and does not form a spiral configuration.

Claim 23 (previously presented): The clip of claim 21, wherein the clip is further characterized by a third portion that is straight, arcuate or a combination thereof, wherein the third portion is connected to the first or second portion to form a second apex and wherein the third portion rotating greater than 45° about the second apex so that the third portion is adapted to attach to the tissue thereby substantially preventing migration and does not form a spiral configuration.

Claim 24 (previously presented) The clip of claim 23, wherein the first, second and third portion rotating greater than 90° about the second apex at one or more ends of the third portion.

Claim 25 (previously presented) The clip of claim 21, wherein the first or second portion rotating greater than 90° about the first apex at one or more ends of the first or second portion.

Claim 26 (currently amended) ~~The clip of claim 21,~~ An improved clip for radiographic analysis, the clip characterized by:

a first portion that is straight, arcuate or a combination thereof, and at least one additional second portion that is straight, arcuate or a combination thereof, and which is connected to the first portion at a first apex coplanar with the first and second portion,

wherein the first and second portions are adapted to permit the clip to compress to fit within a tube of a delivery device and to elastically deform upon exiting the tube for engaging tissue,

wherein the clip unfolds upon itself about the first apex by rotating greater than 90° relative to an opposing portion, so that the first and second portions are adapted to engage tissue thereby substantially preventing migration and does not form a spiral configuration, and

wherein the first or second portion rotating greater than 180° about the first apex at one or more ends of the first or second portion.

Claim 27 (previously presented) The clip of claim 21, wherein the clip is a wire that elastically deforms relative to the first apex upon exiting the tube wire, wherein comprises a material selected from a surgical stainless steel, titanium, a nickel containing metal, or a bio-compatible polymer.

Claim 28 (previously presented) The clip of claim 21, wherein the clip includes a plurality of wires.

Claim 29 (previously presented) The clip of claim 21, wherein the first portion, second portion or both portions are further configured with at least one end having a barb.

Claim 30 (previously presented) The clip of claim 21, wherein the clip is made of a memory shape material, has a largest dimension of less than about 1 cm, is configured for insertion into a breast tissue, and wherein upon exiting the delivery device the first and second portions are configured to engage the breast tissue such that the clip becomes substantially immobile and is observable through ultrasound devices, mammography devices or both.

Claim 31 (previously presented) The clip of claim 21, wherein the clip is formed of a single wire.

Claim 32 (previously presented) An improved device for deploying a clip, the device characterized by:

- a gripping portion having two opposing semicircular or substantially circular finger grips attached to a hub portion;

- a tube joined with the hub portion, the tube having defined at one end portion:

- i) a side hole and a ramp or ii) an end hole; and

- a driver having an actuator member in driving relation therewith; wherein upon translation of the actuator member the driver advances through the hub portion and the tube to advance a clip located in the tube toward and along the ramp for expulsion through the respective side or end hole,

- wherein the actuator member requires only one hand to expel the clip through the respective side or end hole and is substantially free of a lock that requires unlocking to permit the actuator member to operate.

Claim 33 (previously presented) The device of claim 32, wherein the hub portion has a luer lock mechanism for the attachment of a needle to the hub portion.

Claim 34 (previously presented) The device of claim 32, further characterized by an indicator for providing physical or audible feedback that any clip has been fully deployed from the tube.

Claim 35 (previously presented) The device of claim 32, further characterized by a visual indicator to indicate the position of the tube.

Claim 36 (currently amended) The device of claim ~~30~~ 32, wherein the clip is characterized by:

- a. a first portion that is straight, arcuate or a combination thereof; and
- b. at least one additional second portion that is straight, arcuate or a combination thereof, the first and second portions adapted to fit within the tube of a delivery device and to elastically deform relative to each other upon exiting the tube for engaging tissue.

Claim 37 (previously presented) A method for marking an evacuated breast cyst, the method characterized by the steps of:

- a. inserting a needle into a fluid filled breast cyst;
- b. removing fluid from the breast cyst for collapsing the walls of the breast cyst; and

c. pushing the actuator and driver along the inside portion of the needle resulting in the insertion of a clip into a breast cyst to mark the same; wherein the clip is characterized by:

- i) a first portion that is straight, arcuate or a combination thereof; and
- ii) at least one additional second portion that is straight, arcuate or a combination thereof, and which is connected to the first portion at a first apex coplanar with the first and second portion, wherein the first and second portions adapted to fit within a tube of a delivery device and to elastically deform relative to each other upon exiting the tube for engaging tissue, and wherein the clip unfolds upon itself about the first apex by rotating greater than 90° relative to an opposing portion, so that the first and second portions are adapted to engage tissue thereby substantially preventing migration and does not form a spiral configuration.

Claim 38 (previously presented) The method of claim 37, wherein only one hand is required for the insertion of the needle, and the marking of a breast cyst and wherein the device is configured to be used ambidextrously and has no lock to prevent deployment.

Claim 39 (previously presented) The method of claim 37, wherein the needle has a gripping portion with two opposing semicircular or substantially circular finger grips, an actuator, a driver and a clip in a compressed state within the tube.

Claim 40 (previously presented) The method of claim 37, wherein the clip comprises a material that is observable using ultrasound devices or mammography devices or both, selected from a surgical stainless steel, a titanium-containing metal, a nickel-containing metal, or a bio-compatible polymer, and is adapted to elastically deform about the first apex upon exiting the tube.